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Ogscastle
Carnwath
Lanark
ML11 8NE

Ms Bryukhanova.
18 Niddrie Mill Terrace
Edinburgh
EH15 3HF

Decision date: 31 May 2023

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013

Application for change of use for short term lets (in retrospect).
At 18 Niddrie Mill Terrace Edinburgh EH15 3HF

Application No: 23/01369/FULSTL

DECISION NOTICE

With reference to your application for Planning Permission STL registered on 30 March 2023, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Reason for Refusal:-

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this dwelling as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01 - 02 - 03, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Sean Christie directly at sean.christie@edinburgh.gov.uk.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

**Application for Planning Permission STL
18 Niddrie Mill Terrace, Edinburgh, EH15 3HF**

Proposal: Application for change of use for short term lets (in retrospect).

**Item – Local Delegated Decision
Application Number – 23/01369/FULSTL
Ward – B17 - Portobello/Craigmillar**

Recommendation

It is recommended that this application be **Refused** subject to the details below.

Summary

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

SECTION A – Application Background

Site Description

The property comprises a two storey, two-bedroom end of terrace property at 18 Niddrie Mill Terrace, Niddrie. The property has its own main door access and private garden area to the front, side and rear. The surrounding area is residential with the property located on a dead-end road, accessed from Niddrie Mill Drive to the north.

The site is not located within any protected areas.

Description Of The Proposal

Planning permission is sought for the retrospective change of use from residential to short term let (sui generis). No internal or external changes to the property are proposed.

Supporting Information

- National Planning Framework 4 Statement

Relevant Site History

No relevant site history.

Other Relevant Site History

No other relevant site history.

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 3 April 2023

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

Number of Contributors: 4

Section B - Assessment

Determining Issues

This report will consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?

If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?

In the assessment of material considerations this report will consider:

- equalities and human rights;
- public representations; and
- any other identified material considerations.

Assessment

a) The proposals comply with the development plan?

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4. The relevant policies to be considered are:

- NPF4 Sustainable Places Policy 1.
- NPF4 Productive Places Tourism Policy 30.
- LDP Housing Policy Hou 7.
- LDP Transport Policies Tra 2 and Tra 3.

The non-statutory 'Guidance for Businesses' (2023) is a material consideration that is relevant when considering change of use applications.

Proposed Use

With regards to NPF 4 Policy 1, the proposals do not involve operational development and therefore, will have a negligible impact on the global climate and nature crisis.

NPF 4 Policy 30 seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland. Criterion 30 (e) specifically relates to STL proposals.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas), seeks to protect residential amenity.

The non-statutory Guidance for Businesses (2023) states that an assessment of a change of use of dwellings to a short term let will have regard to:

- The character of the new use and of the wider area;
- The size of the property;
- The pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance and parking demand; and
- The nature and character of any services provided.

Amenity:

The property has its own main door access and a private garden area. The site is located within a residential area with a low degree of activity in the immediate vicinity of the property.

The applicant has provided a supporting statement which asserts the change in use will have a limited impact on local residential amenity. It is stated that there have been no complaints made during the property's operation as an STL and a general improvement in tidiness/litter picking in the surrounding area.

The use of the property as an STL would, however, introduce an increased frequency of movement to the property. The proposed STL use would enable visitors to arrive and

stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. There is no guarantee that guests would not come and go frequently throughout the day and night, and transient visitors may have less regard for neighbours' amenity than individuals using the property as a principal home.

The additional servicing that operating a property as an STL requires compared to that of a residential use is also likely to result in an increase in disturbances, further impacting on neighbouring amenity.

This would be significantly different from the ambient background noise that neighbouring residents might reasonably expect and will have an unacceptable effect on the living conditions and amenity of nearby residents. The proposal does not comply with NPF 4 policy 30(e) part (i) and LDP policy Hou 7.

Loss of residential accommodation:

NPF 4 policy 30 (e) part (ii) requires that where there is a loss of residential property this will only be supported where the loss is outweighed by demonstrable local economic benefits.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. The use of the property by guests and the required maintenance and upkeep of STL properties are likely to result in a level of job creation and spend within the economy which can be classed as having an economic benefit.

The applicant's planning statement asserts that the use of this property as an STL contributes to a diverse range of tourist accommodation in the city and would help cater to a wider variety of visitors. It is also stated that housing pressures are not as acute in this area as is in other parts of the city.

However, the use of the property as an STL would still result in the loss of residential accommodation, which given the recognised need and demand for housing in Edinburgh, is important to retain where appropriate.

Furthermore, residential occupation of the property also contributes to the economy, in terms of providing a home and the spend in relation to the use of the property as a home, including the use of local services and resultant employment, as well as by making contributions to the local community.

In this instance it has not been sufficiently demonstrated that the loss of the residential accommodation is outweighed by demonstrable local economic benefits arising from the STL use. As such, the proposal does not comply with NPF 4 30(e) part (ii).

Parking Standards

There are no parking requirements for STLs. Cycles can be parked inside the property. The proposals comply with LDP Policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation in this case it does not outweigh the adverse impact on residential amenity. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7.

d) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

Emerging policy context

City Plan 2030 represents the settled will of the Council, and it has been submitted to Scottish Ministers for examination. As such, limited weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

A summary of the representations is provided below:

material considerations

- negative impacts on local amenity in regard to frequency of visitors and parking issues. Addressed above in part a).
- positive impacts for local area's economy with re-use of property/increased visitors. Addressed above in part a).

non-material considerations

- The STL is well maintained and reviewed/guests are respectful. Not a material consideration.

Conclusion in relation to identified material considerations

None of the identified material considerations outweigh the proposals in compliance with the Development Plan.

Overall conclusion

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole

from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

Reasons

Reason for Refusal

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this dwelling as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - [Local Development Plan](#)

Date Registered: 30 March 2023

Drawing Numbers/Scheme

01 - 02 - 03

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Sean Christie, Assistant Planning Officer
E-mail:sean.christie@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

Comments for Planning Application 23/01369/FULSTL

Application Summary

Application Number: 23/01369/FULSTL

Address: 18 Niddrie Mill Terrace Edinburgh EH15 3HF

Proposal: Application for change of use for short term lets (in retrospect).

Case Officer: Improvement Team

Customer Details

Name: Mrs Ann-marie Spowart

Address: 9niddrie mill terrace Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is a residential street with family's and elderly people living nice and quietly here. This building is already being used as an air b&b. Which means people coming and going at all times does not make it very residential for the rest of us living here. Before you know where we are they will be more b&bs in the street .finally parking is tight as it is in the square .

Comments for Planning Application 23/01369/FULSTL

Application Summary

Application Number: 23/01369/FULSTL

Address: 18 Niddrie Mill Terrace Edinburgh EH15 3HF

Proposal: Application for change of use for short term lets (in retrospect).

Case Officer: Improvement Team

Customer Details

Name: Miss Tracey Taylor

Address: 20 Niddrie Mill Terrace Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: The people who stay next door are very quiet.

Comments for Planning Application 23/01369/FULSTL

Application Summary

Application Number: 23/01369/FULSTL

Address: 18 Niddrie Mill Terrace Edinburgh EH15 3HF

Proposal: Application for change of use for short term lets (in retrospect).

Case Officer: Improvement Team

Customer Details

Name: Mr abid hussain

Address: 8/4 Christian Crescent 4 Edinburgh

Comment Details

Commenter Type: Other

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I write to give full support to the above planning application. The proposal would bring a derelict site back into positive use which would benefit the area. Applicant is very good and always keeps public area clean and tidy. Everytime I pass by often, I see Svetlana cleaning area nearby house, it looks much more tidy now

Comments for Planning Application 23/01369/FULSTL

Application Summary

Application Number: 23/01369/FULSTL

Address: 18 Niddrie Mill Terrace Edinburgh EH15 3HF

Proposal: Application for change of use for short term lets (in retrospect).

Case Officer: Improvement Team

Customer Details

Name: Mr Neil Graham

Address: 9 Murrayburn Gardens Edinburgh

Comment Details

Commenter Type: Other

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I would like to show support for Svetlana and all the hard work she has put into this property over the past year.

As Svetlana`s employer, I know how much she has achieved over the last year or so, working a full time nightshift position, while at the same time working tirelessly to get this property up to the high standard that she has, achieving a good feedback score from visitors who have stayed at her property.

What she is doing is bringing visitors to an area of Edinburgh that they would not normally visit, which must also contribute to the immediate community.

I hope you will see fit to approve this licence, so that Svetlana can continue to offer this service.